## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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DAVID A. TROPP, : Hon. Eric N. Vitaliano, U.S.D.J.

: Hon. Roanne L. Mann, U.S.M.J.

Plaintiff,

v. : Civil Action No. 1:08-cv-04446

CONAIR CORPORATION, BROOKSTONE, INC., BRIGGS & RILEY TRAVELWARE LLC, DELSEY LUGGAGE INC., EBAGS, INC., EAGLE CREEK, a division of VF OUTDOOR, INC., MASTER LOCK COMPANY, LLC, HP MARKETING CORP. LTD, L.C. INDUSTRIES, LLC, OUTPAC DESIGNS INC., MAGELLAN'S INTERNATIONAL TRAVEL CORPORATION, SAMSONITE CORPORATION, TITAN LUGGAGE USA, TRAVELPRO INTERNATIONAL INC, TUMI, INC, TRG ACCESSORIES, LLC, and WORDLOCK, INC.,

Defendants.

## CERTAIN DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT BASED ON 28 U.S.C. § 1498

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of this Motion for Summary Judgment Based on 28 U.S.C. § 1498, the Affidavit of Heidsha Sheldon, Esq. Concerning Certain Defendants' Statement of Material Facts to Which There is No Genuine Issue to Be Tried, and upon all pleadings and proceedings herein, defendants, Conair Corporation, Brookstone, Inc., Briggs & Riley Travelware LLC, Delsey Luggage Inc., eBags, Inc., Eagle Creek, a division of VF Outdoor, Inc., Master Lock Company, LLC, HP Marketing Corp., Magellan's International Travel Corporation, Samsonite Corporation, Titan Luggage USA, Travelpro International, Inc., Tumi, Inc., TRG Accessories, LLC, and Wordlock,

Inc., will move this Court, at a date and time to be determined by the Court, before the Honorable Eric N. Vitaliano, United States District Judge, at the United States Courthouse for the Eastern District of New York, Brooklyn Courthouse, 225 Cadman Plaza East, Brooklyn, New York, pursuant to Fed. R. Civ. P. 56(a), for summary judgment against plaintiff based on 28 U.S.C. § 1498.

Dated: January 8, 2010

By: /s/ Heidsha Sheldon

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## **CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2010 I served the foregoing **CERTAIN DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT BASED ON 28 U.S.C. § 1498** upon counsel for the Plaintiff, via hand delivery and e-mail (PDF version), as well as all other counsel who have entered an appearance in this action via e-mail (PDF version).

<u>/s/ Heidsha Sheldon</u> Heidsha Sheldon